



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/841,570

04/24/2001

Gary Boccaduttre

1647001

5425

7590  
HORST M. KASPER  
13 FOREST DRIVE  
WARREN, NJ 07059

09/15/2009

EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3727

MAIL DATE

DELIVERY MODE

09/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/841,570	<b>Applicant(s)</b> BOCCADUTRE ET AL.	
	<b>Examiner</b> HADI SHAKERI	<b>Art Unit</b> 3727	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-10 and 12-35 is/are pending in the application.
- 4a) Of the above claim(s) 7-10, 14-16, 18 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6, 12, 13, 17, 19-22 and 27-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

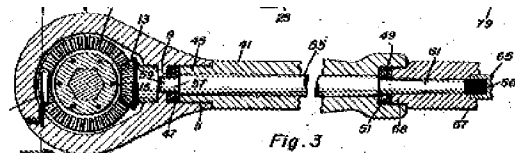
### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 3-6, 12, 13, 17, 19-22 and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke (2,808,749) in view of Hendrickson (3,430,510).

Lampke meet the limitations of the above claims, e.g., in Fig. 3, handle (63); handle drive shaft (65); handle sleeve mounting



collar (68); extension sleeve (41) with first end formed with an interface collar (49) attached to mounting collar (68) and second end formed as in interface thread (45); extension shaft (55) having first end (61) and second end (47) disposed parallel and centered to the extension sleeve; shaft drive tang (57); ratchet head having a socket mount (33) and a threaded collar (5) attached to the sleeve interface thread (45); head drive shaft (15) connected to shaft drive tang (57); wherein the shaft is unsupported

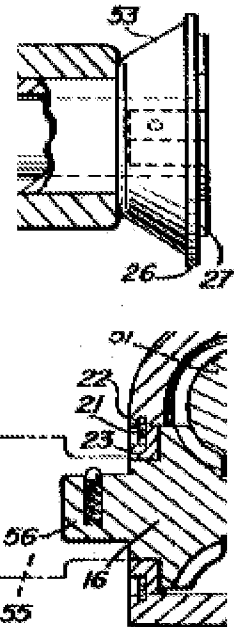
Art Unit: 3727

apart from the support (including bearings) furnished by the drive shaft and extension shaft and by the ratchet head to the extension shaft; and wherein the handle is directly attachable to the head (Fig. 5); except for disclosing an air power wrench and for disclosing a drive socket attached to the first end of the extension shaft and connected to the drive shaft (65) protruding from the handle (63) and for the length of the engagement points of the sleeve and the shaft.

Hendrickson teaches connecting the drive shaft to the handle and to the head using corresponding socket and boss means (27, 56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pneumatic wrench and socket and boss connection means as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive and in ease of assembly/production.

With regards to choosing a size of the sleeve and shaft, it is noted that the combination would result in a sleeve substantially equal to the shaft, since the extra portion of the shaft extending within the chuck 67, is eliminated in view of Hendrickson, however with regards to claims 4 and 6 the combination does not disclose an extension and a shaft having a length between 6 to thirty inches, and for disclosing the range or a specific size of the plurality of extensions; obvious size modification to one of ordinary skill in the art dependent on work-piece/operational parameters, since it would have been obvious to one having ordinary skill in the art at the time the invention was made



Art Unit: 3727

to modify the invention with regards to dimension or desired size, e.g., using 6 to 30 inches in adapting the tool for a particular application, since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955) and since it would have been “obvious to try”-choosing from finite number of identified, predictable solutions, with a reasonable expectation of success.

Lampke modified in view of size and in view of Hendrickson meets the limitations of claim 13, e.g., the types of connections having similar constructions between the head and the handle.

Lampke modified by Hendrickson as described meets all of the limitations of claims 17, 19-22 and 33-35, e.g., no contact between the shaft and the sleeve.

With regards to claims 27, 32 and 35, Lampke modified by Hendrickson meets all of the limitations except for not using bearings; however eliminating the bearings, to save manufacturing costs, would have been obvious to one of ordinary skill in the art; and providing a plurality of differently sized extensions for convenience of a kit would have been obvious to one of ordinary skill in the art.

### ***Response to Arguments***

4. Applicant's arguments filed August 14, 2009 have been fully considered but they are not persuasive. The argument that changing a size of drive shaft 55 of Lampke in this case would entail changes of spline connection 66, power shaft 65, chuck 67, socket 49 and ball bearing unit 51, regarding claims 3-6, is moot in view of the new grounds of rejection. However, this argument is not persuasive with regards to the

Art Unit: 3727

combination applied to the claims, since using a boss and socket type connection means as taught by Hendrickson, would eliminate the need for a suitable chuck, thus resulting to a substantially equal length of sleeve and shaft. The wrench as disclosed by Lampke once modified by quick connection means of Hendrickson meets all of the limitations of claims as recited. The type of the tool, e.g., angle head of Lampke is not modified, only the connection is changed per the teaching reference, firstly for easy and quick connect/disconnect and secondly for adapting the extension of Lampke for power tools having a drive shaft (boss type) as disclosed by Hendrickson. Arguments regarding individual references are not valid since one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hendrickson is utilized to teach the use of pneumatic wrench and boss connection. The combination further modified in view of size meets the claims as recited. The argument that removal of bearing support is not persuasive, since saving cost is a motivation well within the knowledge of one of ordinary skill in the art and a specific reference to such modification by any reference is not required as such modification would only require routine experimentations with predictable results.

Examiner is available for a telephone interview in expediting the prosecution, should applicant wishes.

Art Unit: 3727

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13 2009

/Hadi Shakeri/  
Primary Examiner, Art Unit 3727